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### **REMARKS**

Claims 1-33 are all of the claims presently pending in the application. Applicant has amended claims 1-31 to more particularly define the claimed invention. Applicant has added claims 32 and 33 to provide more varied protection for the claimed invention.

The amended and new claims are supported by the original claims, specification and drawings, including for example, FIGS. 1-5 and the related specification.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-3, 7-12, 14, 16-18, 21-26, 28, 30 and 31 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Shintani (U.S. Patent No. 6,137,480). Claims 12, 13, 15, 26, 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shintani. Claims 4-6, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shintani in view of Teicher et al., (U.S. Publication No. 2004/0123127). Claims 1, 2, 3, 7, 8, 13, 14, 15, 16, 17, 18, 21, 22, 27, 28, 29, 30 and 31 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Kataoka (U.S. Patent No. 6,515,575). Claims 9 and 23 stand rejected 35 U.S.C. § 103(a) as being allegedly unpatentable over Kataoka (U.S. Patent No. 6,515,575). Claims 4-6, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kataoka in view of Teicher et al., (U.S. Publication No. 2004/0123127). Claims 1, 2, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 22-25 and 27-31 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Xydis (U.S.

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Patent No. 6,070,240). Claims 3, 9, 12, 18, 23 and 26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Xydis.

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an apparatus for providing access to an electronic device including means for requesting access to the electronic device, means for determining whether authorization is required in order for access to be provided, means for transmitting a search signal for a separate module upon determining authorization is required by the means for determining, means for receiving an authorization signal from the separate module in response to receiving the search signal from the means for transmitting the search signal, and means for providing access to the electronic device in dependence on the received authorization signal.

The conventional art provides, “Thus, third generation devices will potentially contain a large amount of user sensitive data and there is a need for increased security on the devices to prevent unauthorised access. However, increasing the number of manually entered PINs or passwords is inconvenient to the user.” (Paragraph 9 of Application).

However, in the claimed invention (e.g., claim 1), there is means for requesting access to the electronic device, means for determining whether authorization is required and means for transmitting a search signal, rather than using the manual entry of the conventional art.

## **II. THE ALLEGED PRIOR ART REFERENCES**

### **A. The Shintani Reference**

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The Examiner alleges that Shintani teaches or suggests the claimed invention of claims 1-3, 7-18, and 21-31. Applicant submits, however, that Shintani does not teach or suggest each feature of the claimed invention.

The claimed invention (e.g., claim 1) includes an apparatus for providing access to an electronic device comprising: *means for requesting access to the electronic device; means for determining whether authorisation is required in order for access to be provided; means for transmitting a search signal for a separate module upon determining authorisation is required by the means for determining; means for receiving an authorization signal from the separate module in response to receiving the search signal from the means for transmitting the search signal; and means for providing access to the electronic device in dependence on the received authorization signal.*

Shintani includes a user being authenticated by a communication between the non-contact card storing personal identification information of the user and peripheral equipment. (Abstract of Shintani). However, Shintani fails to teach or suggest *means for determining whether authorization is required in order for access to be provided; means for transmitting a search signal for a separate module upon determining authorization is required by the means for determining.*

As seen, for example, in FIGS 1-3 and the abstract of Shintani, there is no teaching or suggestion of means for determining whether authorization is required in or access to be provided to the electronic device. Shintani fails to teach or suggest a distinct level of security that the claimed invention provides through the means for determining and the means for transmitting the search signal. Shintani, relates to computers that already need authorization. Shintani fails to take into account a teaching of means for determining whether authorization

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is required for access to the electronic device as claimed and also of means for transmitting a search signal when authorization is required.

Instead, as seen in FIG. 2 and the abstract, the communication section 12 continuously tries to communicate with the non-contact card 2, and there is no determination that authorization is needed or not and the search signal is not limited with the determination of whether the authorization is needed.

Therefore, in Shintani, the communication section 13 must be removed when the computer does not need authorization. Otherwise, the communication unit would increase power usage by trying to communicate with a non-contact card. Additionally, Shintani does not take into account the additional layer of security including determining whether an electronic device or certain application or part of the electronic device has a different security setting.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Shintani. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

#### **B. The Kataoka Reference**

The Examiner alleges that Kataoka teaches the claimed invention of claims 1, 2, 3, 7-9, 13-16, 18, 21-23, and 27-31. Applicant submits, however, that Kataoka does not teach or suggest each feature of the claimed invention.

The claimed invention (e.g., claim 1) includes an apparatus for providing access to an electronic device comprising: *means for requesting access to the electronic device; means for determining whether authorization is required in order for access to be provided; means for*

*transmitting a search signal for a separate module upon determining authorization is required by the means for determining; means for receiving an authorization signal from the separate module in response to receiving the search signal from the means for transmitting the search signal; and means for providing access to the electronic device in dependence on the received authorization signal.*

Kataoka includes transmitting and receiving user authentication data between a portable communication device and the user-authenticating device. (Abstract of Kataoka). However, Kataoka appears to not teach or suggest *means for determining whether authorization is required in order for access to be provided; means for transmitting a search signal for a separate module upon determining authorization is required by the means for determining.*

As seen, for example, in FIG. 2 and the related specification of Kataoka, there is no teaching or suggestion of means for determining whether authorization is required in or access to be provided to the electronic device. Kataoka appears to fail to teach or suggest a distinct level of security that the claimed invention provides through the means for determining and the means for transmitting the search signal.

The Examiner states on page 5 of the present office action, that powering or use of the device, as authorization is always required, when input is applied to 320. The authorization being always required does not teach or suggest the means for determining whether authorization is required.

Kataoka fails to take into account a teaching of means for determining whether authorization is required for access to the electronic device as claimed and also of a means for transmitting a search signal when authorization is required.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Kataoka. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

**C. The Xydis Reference**

The Examiner alleges that Xydis teaches the claimed invention of claims 1-3, 7-18, and 22-31. Applicant submits, however, that Xydis does not teach or suggest each feature of the claimed invention.

The claimed invention (e.g., claim 1) includes an apparatus for providing access to an electronic device comprising: *means for requesting access to the electronic device; means for determining whether authorization is required in order for access to be provided; means for transmitting a search signal for a separate module upon determining authorization is required by the means for determining; means for receiving an authorization signal from the separate module in response to receiving the search signal from the means for transmitting the search signal; and means for providing access to the electronic device in dependence on the received authorization signal.*

Xydis includes controlling a computer system by having a transponder 20 placing authorized user code and a transceiver scanning the authorize user code for verification to unlock the computer 12. (Abstract of Xydis). However, Xydis fails to teach or suggest *means for determining whether authorization is required in order for access to be provided; means for transmitting a search signal for a separate module upon determining authorization is required by the means for determining.*

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As seen, for example, in the abstract and FIGS 2-3 in Xydis, there is no teaching or suggestion of means for determining whether authorization is required in or access to be provided to the electronic device. Xydis fails to teach or suggest a distinct level of security that the claimed invention provides through the means for determining and the means for transmitting the search signal. Xydis relates to computers that already need authorization. Xydis fails to take into account a teaching of means for determining whether authorization is required for access to the electronic device as claimed and also of means for transmitting a search signal when authorization is required.

Instead, as seen in FIGS. 2-3 and the abstract of Xydis, the transponder 22 and the transceiver 20 are communicating without a verification if authorization is even needed. For example, in col. 3, lines 1-34 of Xydis, shows different scenarios where the transceiver transmits a radio signal to wake up the transponder for providing the authorization. The transponder may even send signals periodically.

Therefore, Xydis does not make an initial determination of whether the computer needs authentication and thereby does not limit the actions of the transponder and transceiver. In Xydis, extra power is being used by the transmission of signals between the transponder and the transceiver as it does not take into account the additional layer of security including determining whether an electronic device or certain application or part of the electronic device has a different security setting.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Xydis. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

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**D. The Teicher Reference**

The Examiner alleges that Teicher would have been combined with Shintani to teach the claimed invention of claims 4-6, 19, and 20. Applicant submits, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

As shown above, Shintani fails to teach or suggest all the claimed limitations of the independent claims, and therefore, the combination of references fail to teach or suggest all the claimed references of the dependent claims.

Therefore, Applicant submits that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

**E. The Combination of Kataoka and Teicher Reference**

The Examiner alleges that Kataoka would have been combined with Teicher to teach the claimed invention of claims 4-6, 19, and 20. Applicant submits, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

As shown above, Kataoka fails to teach or suggest all the claimed limitations of the independent claims, and therefore, the combination of references fail to teach or suggest all the claimed references of the dependent claims.

Therefore, Applicant submits that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.



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### **III. NEW CLAIMS**

Applicant has added new claims 32-33 to claim an additional feature of the invention and to provide more varied protection for the claimed invention. These claims are independently patentable because of the novel and nonobvious features recited therein.

Applicant submit that new claims are patentable over the cited prior art references at least for analogous reasons to those set forth above with respect to claims.

### **IV. FORMAL MATTERS AND CONCLUSION**

In order to assist the Examiner and expedite the prosecution, some minor corrections in grammar and spelling were made in the claims. Although the British English spellings of words such as “authorisation” are not required to be changed to American English spellings according to MPEP 608.01, corrections were made in the claims in order to conform to local practice.

In view of the foregoing, Applicant submit that claims 1-33, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicant respectfully requests the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicant requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

This amendment incurs a fee for two (2) additional claims above thirty-one (31), for


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which a check is enclosed.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: JUNE 30, 2009

  
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